

MA -23 11:36 FROM: ID: PAGE 4/8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Paul A. Martinez)	Dkt. No.:	UTL 00075
)		
Serial No.:	09/943,954)	Art Unit:	2827
)		
Filed:	August 31, 2001)	Examiner:	Tuan T. Dinh
)		
Title:	SYSTEM AND METHOD FOR)		
	REDUCING APPARENT HEIGHT)		
	OF A BOARD SYSTEM)		

ELECTION AND TRAVERSAL OF RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

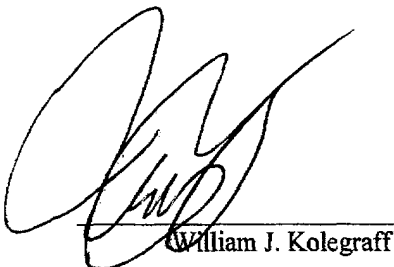
ELECTION

The Examiner stated that "restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-12, drawn to a system for reducing apparent height of a board system, classified in class 361, subclass 761 classified in class 702.

08/11/2003 JNCMILLA 00000004 09943954
01 FC:1251 I hereby certify that this correspondence is being faxed to the fax number designated in the Office Action, 703-305-1341 and is not being sent to: Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit: November 25, 2002



William J. Kolegraff

II. Claims 13-19, drawn to a method for reducing apparent height of a board system, classified in class 29, subclass 840."

Applicant hereby elects Invention I for examination.

REMARKS

Applicant respectfully traverses the restriction requirement. The Examiner stated in section 1 of the Office Action that:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the method can be made in different processes such as adhering, etching, or coating instead of soldering a carrier to a PCB by using a solder material.

Applicant respectfully points out an ambiguity in this reasoning. The Examiner confuses methods and products in stating that "the method can be made." Methods are performed, and products are made. Thus, in attempting to distinguish the method and the product, the Examiner convolutes the standard for methods and products. Applicant believes that the Examiner is saying that the product can be made by different processes, such as "adhering, etching, or coating."

Applicant respectfully traverses this assertion. The product cannot be made by different processes, such as "adhering, etching, or coating." Admittedly, these processes could be performed on a device used in conjunction with the invention, but they could not replace the solder material. Each of the independent claims listed in Invention I, claims 1 and 9-12, recite "a solder material soldering..." Thus, a soldering step is necessary to make the products claimed in each of claims 1 and 9-12 and all those claims depending therefrom.

Alternatively, if the Examiner is saying that the process can be used to "make other and materially different product," Applicant respectfully traverses this assertion. The only

independent claim listed in Invention II, claim 13, recites "soldering the carrier..."

Therefore, the process as claimed requires a soldering step and a soldering material.

Certainly, other steps may be performed in producing an end product, but that end product will include the product of Invention I if the process of Invention II is performed.

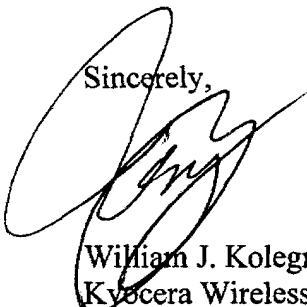
In addition to traversing the restriction requirement, Applicant respectfully asserts that claims 1-12 are now in condition for allowance.

CONCLUSION

In sum, applicant has elected Invention I for examination and traversed the restriction requirement. Applicant respectfully asserts that the commonality of solder material and a soldering step between Invention I and Invention II cannot be circumvented by "adhering, etching, or coating instead of soldering."

Respectfully submitted November 25, 2002. Please address any questions or comments to the undersigned.

Sincerely,



William J. Kolegraff
Kyocera Wireless Corp.
PO Box 928289
San Diego, CA 92192-8289
Phone: 858/882-2000
Reg. No. 41,125

PTO/SB/17 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 110.00

Complete if Known

Application Number	09/943,954
Filing Date	August 31, 2001
First Named Inventor	Paul A. Martinez
Examiner Name	Tuan T. Dinh
Group Art Unit	2827
Attorney Docket No.	UTL 00075

METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number

Deposit Account Name

- ☐ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☐ Check ☒ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)		
101	710	201	355	Utility filing fee	<input type="text"/>
106	320	206	160	Design filing fee	<input type="text"/>
107	490	207	245	Plant filing fee	<input type="text"/>
108	710	208	355	Reissue filing fee	<input type="text"/>
114	150	214	75	Provisional filing fee	<input type="text"/>
SUBTOTAL (1) (\$)					<input type="text"/>

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** = <input type="text"/>	X <input type="text"/>	= <input type="text"/>
Multiple Dependent	-3** = <input type="text"/>	X <input type="text"/>	= <input type="text"/>

Large Entity		Small Entity		Fee Description
Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)				

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)		
105	130	205	65	Surcharge - late filing fee or oath	<input type="text"/>
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	<input type="text"/>
139	130	139	130	Non-English specification	<input type="text"/>
147	2,520	147	2,520	For filing a request for ex parte reexamination	<input type="text"/>
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	<input type="text"/>
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	<input type="text"/>
115	110	215	55	Extension for reply within first month	110.00
116	390	216	195	Extension for reply within second month	<input type="text"/>
117	890	217	445	Extension for reply within third month	<input type="text"/>
118	1,390	218	695	Extension for reply within fourth month	<input type="text"/>
128	1,890	228	945	Extension for reply within fifth month	<input type="text"/>
119	310	219	155	Notice of Appeal	<input type="text"/>
120	310	220	155	Filing a brief in support of an appeal	<input type="text"/>
121	270	221	135	Request for oral hearing	<input type="text"/>
138	1,510	138	1,510	Petition to institute a public use proceeding	<input type="text"/>
140	110	240	55	Petition to revive - unavoidable	<input type="text"/>
141	1,240	241	620	Petition to revive - unintentional	<input type="text"/>
142	1,240	242	620	Utility issue fee (or reissue)	<input type="text"/>
143	440	243	220	Design issue fee	<input type="text"/>
144	600	244	300	Plant issue fee	<input type="text"/>
122	130	122	130	Petitions to the Commissioner	<input type="text"/>
123	50	123	50	Processing fee under 37 CFR 1.17(q)	<input type="text"/>
126	180	126	180	Submission of Information Disclosure Stmt	<input type="text"/>
581	40	581	40	Recording each patent assignment per property (times number of properties)	<input type="text"/>
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	<input type="text"/>
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	<input type="text"/>
179	710	279	355	Request for Continued Examination (RCE)	<input type="text"/>
169	900	169	900	Request for expedited examination of a design application	<input type="text"/>
Other fee (specify) <input type="text"/>					<input type="text"/>

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 110.00

SUBMITTED BY

Name (Print/Type) William J. Kozlowski

Signature

Registration No. 41,125
(Attorney/Agent)

Complete (if applicable)

Telephone 858-882-2000

Date November 25, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



10300 Campus Point Drive, San Diego, CA 92121-1582

F A X C O V E R S H E E T

DATE: May 2, 2003

TO: Commissioner for Patents

PHONE: 703-305-9883

FAX: 703-305-1341

FROM: Lester Anderson
Kyocera Wireless Corp.

PHONE: 858-882-3276

FAX: 858-882-2485

RE: Office Action 9/24/02
Examiner: Dinh, Tuan T.
Application No.: 09/943,954
Art Unit: 2827
Filing Date: 08/31/01
Inventor: Paul A. Martinez

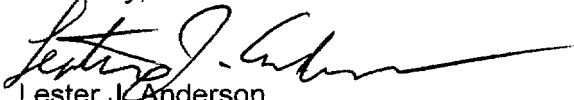
Number of pages including cover sheet: 8

MESSAGE

Dear Mr. Dinh,

Please find the attached Election and Traversal of Restriction Requirement originally faxed November 25, 2002. Additionally, the fax confirmation from the November 25th fax is included.

Sincerely,


Lester J. Anderson
Reg. No. 45,833

I hereby certify that this correspondence is being faxed to the fax number designated in the Office Action, 703-305-1341 and is addressed to: Commissioner for Patents, Washington, D.C. 20231.


Lester J. Anderson

Date of Deposit: May 2, 2003

*** TR. MISSION REPO ***

NOV-25-02 16:23 ID:

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LAST SUCCESSFUL PAGE

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10300 Campus Point Drive, San Diego, CA 92121-1582

FAX COVER SHEET

DATE: November 25, 2002

TO: Commissioner for Patents

FROM: William J. Kolegraf
Kyocera Wireless Corp.RE: Office Action 9/24/02
Examiner: Dinh, Tuan T.
Application No.: 09/043,954
Art Unit: 2827
Filing Date: 08/31/01
Inventor: Paul A. Martinez

PHONE:

703-305-8883

FAX:

703-305-1341

PHONE:

858-882-3017

FAX:

858-882-3650

Number of pages including cover sheet: 8

MESSAGE

Please find attached a response to the above referenced Office Action (Restriction/Election), a fee transmittal, and a credit card form.



10300 Campus Point Drive, San Diego, CA 92121-1582

F A X C O V E R S H E E T

DATE: November 25, 2002

TO: Commissioner for Patents

PHONE: 703-305-9883

FAX: 703-305-1341 ✓

FROM: William J. Kolegraff
Kyocera Wireless Corp.

PHONE: 858-882-3017

FAX: 858-882-3650

RE: Office Action 9/24/02
Examiner: Dinh, Tuan T.
Application No.: 09/943,954
Art Unit: 2827
Filing Date: 08/31/01
Inventor: Paul A. Martinez

Number of pages including cover sheet: 6

MESSAGE

Please find attached a response to the above referenced Office Action (Restriction/Election), a fee transmittal, and a credit card form.